IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

WEDNESDAY, THE NINETEENTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

&
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT APPEAL NO : 2214 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 18/11/2004 in WP NO: 21091 OF 2004 on the file of the High Court.)

Between:

A.Balakrishna S/o.Yedukondulu Contract Residential Teacher.
Govt Tribal Welfare Ashram High School Deverapalle,
Maredumilli (M), East Godavari Dist.

APPELLANT

AND

1 Integrated Tribal Development Agency rep by its Project Officer,

Rampachodavaram, East Godavari Dist.
2 Commissioner Tribal Welfare, Masab Tank,Hyderabad.

RESPONDENTS

Counsel for the Appellant :MR.Y.SUDHAKAR

Counsel for the Respondents: MR.G.CHANDRAIAH

The Court made the following:

JUDGMENT : (Per Honorable Smt. Justice T.Meena Kumari)

This writ appeal is filed by the writ petitioner-appellant herein aggrieved by the order in W.P. No:21091 of 2004, under which the learned single Judge dismissed the said writ petition.

The appellant herein is the petitioner. Originally, the writ petition has been filed seeking to direct the respondents-authorities herein to regularize the services of the writ petitioner as teacher with all consequential benefits. The learned single Judge having observed that simply because the writ petitioner-appellant is working as a contract teacher, he can not request this Court to direct the respondents to regularize his services and the writ petition is not maintainable, dismissed the writ petition. Having aggrieved by the same, the present writ appeal is preferred by the writ petitioner.

Heard the learned counsel.

We have perused the order impugned and the entire material available on record.

It is an admitted fact that the writ petitioner is rendering his service as a contract residential teacher. The relief that is sought for in this writ petition is for issuing a direction to the authorities to regularise his services. In this background of the matter, the relief that is sought for in the writ petition is not within the sphere of Article 226 of the Constitution of India. But, however, without expressing any opinion on the merits of the case of the petitioner, We modify the order of the learned single as indicated below:

> "the writ petitioner is at liberty to submit his representation to the respondents-authorities for the relief that is sought for in the writ petition and the respondents-authorities are in turn directed to consider the same and pass appropriate orders in accordance with the provision of law."

Subject to the above modification, the writ appeal is disposed of. No costs.

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Justice T.Meena Kumari

Date : 19th January, 2005

Justice S.Ananda Reddy

Dvs/Gurc.

Copies to :

1 The Project Officer,Integrated Tribal Development Agency,

Rampachodavaram, East Godavari Dist.

2 The Commissioner, Tribal Welfare, Masab Tank,Hyderabad.

3. Two CD copies.

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THE HONOURABLE SMT. JUSTICE T. MEENA KUMARI

&

THE HONOURABLE SRI JUSTICE S.ANANDA REDDY

W.A. No. 2214 of 2004

(Judgment delivered by the Honourable

Smt.Justice T. Meena Kumari)

19th January, 2005